

Administration

Employee
Responsibilities

Conflict of Interest:
Privileged Information

POLICY:

- .01 An employee may not use proprietary data or privileged information obtained through Laboratory employment for personal purposes, for favoritism in the purchase of goods or services, or in any unauthorized manner. *For example, see [AM 1002, Procurement](#). Such information must be held in confidence until it is released through the proper channels to Laboratory employees, to the public, or to potential vendors. See [AM 707, Public Relations](#).*

NOTE: Nothing in this policy shall be construed as limiting the employee's right to file a complaint under [AM 111](#) or to report instances of fraud, waste, mismanagement, or regulatory violations to proper authorities. However, an employee may not use personal information (defined in AM 708, Information Practices) about other employees as a basis for a grievance, if the information was obtained in the course of official duties.

DEFINITIONS:

Privileged Information

- .02 Privileged information includes, but is not limited to,
- Unpublished information relating to technological and scientific developments;
 - Planned or proposed changes in programs, organization, funding, or personnel assignments;
 - Information about patents;
 - Anticipated materials requirements or pricing actions;
 - Possible new sites for the Department of Energy (DOE) program operations;
 - Knowledge of selected contractors or subcontractors before official announcements;
 - Technical data originated outside the Laboratory disclosed to the Laboratory on conditions that limit the Laboratory's right to use or disclose the data and specifically identified by the originator as proprietary.

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Proprietary Data	.03	The term "Proprietary Data" means technical data that embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data (1) are clearly marked as proprietary by the originator or source; (2) are not generally known or available from other sources without obligation concerning their confidentiality; (3) have not been made available by the owner to others without obligation concerning their confidentiality; and (4) are not already available to the government without obligation concerning their confidentiality.
Technical Data	.04	The term "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. For example, it may document experimental, developmental, demonstration, research, or engineering work, or it may be used to define a design or process or to procure, produce, support, maintain, or operate material.
	.05	The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation).
	.06a	Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information.
SUPERVISOR RESPONSIBILITIES:	.06b	If the employee could not reasonably know that certain data or information is proprietary or privileged, the supervisor must advise the employee of its proprietary or privileged nature and of the authorized purposes for which it may be used.
RELEASE OF TECHNICAL	.07	Technical data, even though not proprietary, cannot

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DATA:

be presented outside the Laboratory nor released for publication before it has been reviewed and approved by the Classification Group (OS-6) for classification interest and by the Laboratory Counsel (LC) for patentable content.

Copyrighted Material

- .08 Copyrighted material cannot be used without written permission. When quoting material or using illustrations from published works, the employee must obtain a release statement from the copyright holder, give appropriate credit in the text, and send the original release statement to the Communications and Records Management (CRM) Division and a copy of the release statement to the Classification Group with the report or paper.

TESTIMONY:

- .09 Employees who serve as witnesses at judicial, legislative, or administrative proceedings may give information so long as they do not disclose classified or privileged information to unauthorized persons. See [AM 726](#), *Outside Activities: Testimony*.

DISCIPLINE:

- .10 Failure to comply with provisions regulating privileged information may result in disciplinary action, up to and including termination.